

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**INOVIS' NOTICE OF RULE 30(b)(6) DEPOSITION OF  
DISTANCE DIGITAL RELATING TO CLASSIFIED'S  
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

PLEASE TAKE NOTE THAT pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and the Court's Scheduling Conference of October 29, 2007, plaintiff, Inovis USA, Inc. ("Inovis"), will take the deposition upon oral examination of defendant, Distance Digital Co., LLC ("Distance Digital"), relating to Classified's Motion to Dismiss for Lack of Subject Matter Jurisdiction, commencing at 2 PM on December 7, 2007, at the offices of Morris, Nichols, Arsht & Tunnell LLP, 1201 North Market Street, Wilmington, Delaware or at such other location and time as may be mutually agreed, before a Notary Public of fully authorized officer authorized to administer oaths.

Pursuant to Fed. R. Civ. P. 30(b)(6), Inovis requests that Distance Digital produce one or more officer(s), directors(s), managing agent(s), or other persons who are designated and consent to testify on its behalf as to each of the subject matters set forth in Schedule A, attached hereto. Pursuant to said rule, Distance Digital is requested to prepare said designee(s) to testify as to matters known by, or reasonably available to, Distance Digital falling within each of the

stated subject matters. The deposition will proceed in accordance with the Federal Rules of Civil Procedure and will continue until completed unless otherwise agreed.

Distance Digital is requested to identify in writing to Inovis, on or before December 3, 2007, the person(s) who will testify on its behalf and the matters on which each such person will testify.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Julia Heaney (#3052)*

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November 29, 2007

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## **Schedule A**

### **Definitions**

1. The definitions in Inovis' First Request to Distance Digital for the Production of Documents and Things Relating to Classified's Motion to Dismiss for Lack of Subject Matter Jurisdiction is hereby incorporated by reference.

2. The terms "Distance Digital", "DD," "defendant," "you," and "your" refer to Defendant Distance Digital Co., LLC, and its members, authorized persons, employees, attorneys, agents, managing agents, divisions, business units, officers, and directors, as well as its predecessors and successors in interest and their members, shareholders, partners, subsidiaries, divisions, business units, officers, directors, agents, managing agents, attorneys, and employees.

3. The terms "Classified" and "CI" refer to Defendant Classified Information, Inc., ("Classified"), a Delaware corporation, and its shareholders, authorized persons, employees, attorneys, agents, managing agents, divisions, business units, officers, and directors as well as Classified's predecessors and successors in interest and their members, shareholders, partners, subsidiaries, divisions, business units, officers, directors, agents, managing agents, attorneys, and employees.

4. The term "Inovis" refers to Inovis, Inc. and Inovis USA, Inc.

5. "669 patent" refers to U.S. Patent No. 5,812,669.

### **Rule 30(b)(6) Deposition Categories**

1. Ms. Cathy Regan's position(s), role, and authority at Distance Digital.
2. The ownership of the 669 patent, including, but not limited to, any assignment, transfer in ownership, security agreement, license, contract limiting ownership rights, or other agreements relating to rights in the 669 patent.

3. The purported "Assignment of Patent Rights" between Classified and Distance Digital and "Patent Purchase Agreement" between Classified and Distance Digital.

4. Communications between Classified and Distance Digital relating to the 669 patent or Inovis.

5. Any acquisition of the 669, including, but not limited to, any acquisition of the 669 patent by way of acquisition of Classified or any assets of or stock in Classified.

6. Any attempts to license or enforce the 669 patent.

7. Communications with customers of Inovis.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on November 29, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Steven J. Balick  
John G. Day  
Tiffany Geyer Lydon  
ASHBY & GEDDES

Arthur G. Connolly, III  
CONNOLLY BOVE LODGE & HUTZ LLP

and that copies were caused to be served upon the following individuals in the manner indicated:

**BY ELECTRONIC MAIL**

Steven J. Balick  
John G. Day  
Tiffany Geyer Lydon  
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*/s/ Julia Heaney (#3052)*

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